

BS00023

U.S. Application No. 09/751,809 Examiner Brown, Art Unit 2611
Response to November 2, 2005 Office Action

REMARKS

In response to the Office Action dated November 2, 2005, the Assignee respectfully requests reconsideration based on the above amendments and the following remarks. The Assignee respectfully submits that the amended claims distinguish over the cited documents.

The United States Patent and Trademark Office (the "Office") rejected claims 6-9 and 19-24 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,675,384 to Block. The Assignee shows, however, that the pending claims are not anticipated, so the Assignee respectfully requests that Examiner Brown remove the § 102 (e) rejection.

Unsuccessful Attempts for Telephonic Interview

Scott Zimmerman made three (3) attempts to discuss this response with Examiner Brown. Three times a telephone interview was scheduled, but Examiner Brown was unavailable at each scheduled time. If Examiner Brown wishes, then, to discuss this response, Examiner Brown is invited to contact Scott Zimmerman at (919) 387-6907 or scott@wzpatents.com.

Rejection of Claims

The United States Patent and Trademark Office (the "Office") rejected claims 6-9 and 19-24 under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent 6,675,384 to Block *et al.* A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, the pending claims are patentably distinguishable over Block. The patent to Block *et al.* does not anticipate the claims, so the Assignee respectfully requests that Examiner Brown to remove the 35 U.S.C. § 102 (b) rejection.

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Claims 6-9 and 19-24 are not anticipated. These claims all recite, or incorporate, features not disclosed by *Block*. Independent claims 6, 9, 19, and 20, for example, all recite “*receiving a batch of program data associated with the program.*” That batch is scanned “*to determine how much of the program data will be blocked.*” “[*W*]hen an amount of blocked program data exceeds a threshold,” then the entire program is blocked. Support for such features may be found at least at page 16, line 30 through page 17, line 7 of this patent application. A “clean” version of claim 6 is reproduced below, and independent claims 9, 19, and 20 recite similar features.

6. (Currently Amended) A method for controlling the presentation of a program, the method comprising:

receiving a batch of program data associated with the program;
scanning the batch of program data to determine how much of the program data
will be blocked;
when an amount of blocked program data exceeds a threshold, then blocking the
entire program.

Block does not anticipate the claims. *Block* is entirely silent to “*scanning the batch of program data to determine how much of the program data will be blocked.*” The patent to *Block et al.* is also completely silent to “*when an amount of blocked program data exceeds a threshold, then blocking the entire program.*” Because *Block* is silent to such features, the patent to *Block et al.* cannot anticipate the independent claims. Because the dependent claims incorporate the same features, the dependent claims are likewise not anticipated. Examiner Brown is thus respectfully requested to remove the § 102 rejection.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 387-6907 or scott@wzpatents.com.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee
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